

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

CASE NO. 4:06CV-01407-BSM

RANDY SCHAFER; END OF THE ROAD FARMS,
INC.; SCHAFER PLANTING CO., a partnership;
WALLACE FARMS, a partnership; ROBERT E.
MOERY, individually and in his capacity as
Trustee of the Robert Moery revocable trust;
KYLE MOERY; CARTER FARMS
PARTNERSHIP, a partnership, PETRUS FARMS,
INC., ROBERT PETRUS, individually and in his capacity
As Trustee of the Robert Petrus revocable trust;
R & B AMADEN FARMS, a partnership; RANDALL J. SNIDER;
R & S Planting Company, Inc., S & R FARMS, a
partnership; A. S. KELLY AND SONS, a partnership;
and NEIL DANIELS FARMS, a partnership, GARNER
LAND COMPANY, LLC; and LITTLE TWIST
LAND COMPANY, LLC,

PLAINTIFFS

VS

BAYER CROPSCIENCE LP;BAYER CROPSCIENCE
HOLDING, INC.; BAYER CORPORATION;
BAYER CROPSCIENCE AG, a German Corporation;
BAYER AG, a German Corporation; BAYER
BIOSCIENCE NV, a Belgian Corporation; BAYER
CROPSCIENCE HOLDING, SA, a French Corporation.
“JOHN DOE,” an Individual, and Unknown Individuals
or Corporations A-P,

DEFENDANTS

MOTION TO APPEAR PRO HAC VICE

COMES NOW Don McKenna, who requests leave of Court to appear and participate in the above-styled case, and in support thereof, states:

1. I, Don McKenna, am a licensed attorney in good standing and duly registered on the role of attorneys in the State of Alabama, Alabama Bar No.ASB-6494-C66D and maintain an office for the practice of law at 2025 Third Avenue North, Suite 800,

Birmingham, Alabama 35203, telephone (205) 328-5330.

2. I am an attorney for the plaintiffs in the above-styled case, whose cause is now pending before this Court.

3. The above plaintiffs are also represented by Arkansas counsel, Paul Byrd, 4220 North Rodney Parham Rd, Suite 250, Little Rock, Arkansas 72212, telephone (501) 225-5500. Attorney Paul Byrd is a duly-registered attorney before this Court and readily available to opposing counsel for communication regarding the conduct of this case.

4. The State of Alabama accords similar comity and courtesies to Arkansas attorneys who appear in her Courts. By appearing herein, I likewise agree to submit to all disciplinary procedures and applicable Arkansas Rules of Professional Conduct promulgated by the Arkansas Supreme Court.

WHEREFORE, I, Don McKenna, pray that I be granted leave to appear and participate in all matters concerning the above styled case.

Respectfully submitted,

Don McKenna
HARE, WYNN, NEWELL & NEWTON
The Massey Building, Suite 800
2025 Third Avenue North
Birmingham, Alabama 35203
(205) 328-5330
don@hwnn.com

By: /s/ Don McKenna
Don McKenna ASB-6494-C66D

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

Edwin L. Lowther, Jr.
Gordon S. Rather, Jr.
Scott Irby
WRIGHT, LINDSEY & JENNINGS
200 West Capitol Avenue, Suite 2300
Little Rock, Arkansas 72201

Mark E. Ferguson
Bartlit Beck Herman Palenchar & Scott, LLP
54 West Hubbard Street,
Chicago, Illinois 60610.
Eric R. Olson,
Lester C. Houtz
John M. Hughes
Glenn Summers
Bartlit Beck Herman Palenchar & Scott, LLP
1899 Wynkoop, 8th Floor,
Denver, CO 80202.

William F. Goodman, III,
Frank A. Wood, Jr.,
Douglas J. Gunn
Joseph J. Stroble
Watkins & Eager PLLC
400 E. Capitol Street, Suite 300,
Jackson, Mississippi, 39201

Larry Cook
200 Westport Drive
P. O. Box 200
Cabot, Arkansas 72023

John Keeling Baker
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C
425 W. Capitol Ave.
Suite 1800
Little Rock, AR 72201

/s/ Paul Byrd
Paul Byrd (85020)